United Nations A/63/643

General Assembly

Distr.: General
30 December 2008

Original: English

Sixty-third session
Agenda item 130

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mr. Patrick **Chuasoto** (Philippines)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 23rd and 28th meetings, on 15 and 23 December 2008. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/63/SR.23 and 28).

3. For its consideration of the item, the Committee had before it the following documents:

(a) First performance report of the Secretary-General on the budget of the International Criminal Tribunal for Rwanda for the biennium 2008-2009 (A/63/558);

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(b) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/63/595).

II. Consideration of draft resolution A/C.5/63/L.13

4. At its 28th meeting, on 23 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/63/L.13), submitted by the Chairman of the Committee on the basis of informal consultations coordinated by the representative of Angola.

5. At the same meeting, the Committee adopted draft resolution A/C.5/63/L.13 without a vote (see para. 6, below).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the reports of the Secretary-General, namely, his report on the revised estimates relating to the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009,[1] and his first performance report on the International Criminal Tribunal for Rwanda for the biennium 2008-2009,[2]

Having also considered the report of the Board of Auditors on the International Criminal Tribunal for Rwanda and the recommendations contained therein,[3]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which was resolution 62/229 of 22 December 2007,

1. *Takes note* of the report of the Secretary-General on the revised estimates relating to the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009,[1] and his first performance report on the International Criminal Tribunal for Rwanda for the biennium 2008-2009;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[4]

3. *Decides* on a revised appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for

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[1] A/63/506.

[2] A/63/558.

[3] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 5K* (A/63/5/Add.11), chap. II.

[4] See A/63/595.

Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, of a total amount of 305,378,600 United States dollars gross (282,597,100 dollars net) for the biennium 2008-2009, as detailed in the annex to the present resolution;

4. *Also decides*, for the year 2009, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year, the amount of 84,657,900 dollars gross (78,253,300 dollars net), including 19,011,200 dollars gross (17,565,250 dollars net), being the increase in assessments;

5. *Further decides*, for the year 2009, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations for the year, the amount of 84,657,900 dollars gross (78,253,300 dollars net), including 19,011,200 dollars gross (17,565,250 dollars net), being the increase in assessments;

6. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 4 and 5 above, their respective share in the Tax Equalization Fund in the amount of 12,809,200 dollars, including 2,891,900 dollars, being the increase in the estimated staff assessment income approved for the International Criminal Tribunal for Rwanda for the biennium 2008-2009.

Annex

Financing for the biennium 2008-2009 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
Initial appropriation for the biennium 2008-2009 (resolution 62/229)	267 356 200	247 466 600
Add:		
Revised estimates for the biennium 2008-2009 after recosting (A/63/506 and A/63/595)	30 190 700	28 182 500
First performance report for the biennium 2008-2009 (A/63/558)	7 831 700	6 948 000
Proposed revised appropriation for the biennium 2008-2009	305 378 600	282 597 100
Assessment for 2008	136 062 800	126 090 500
Balance to be assessed for 2009	169 315 800	156 506 600
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2009	84 657 900	78 253 300
Contributions assessed on Member States in accordance with the rates of assessment applicable to the peacekeeping operations of the United Nations for 2009	84 657 900	78 253 300